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Committee on the Rights of Persons with Disabilities
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Summary record of the 186th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 7 April 2015, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of the Dominican Republic (CRPD/C/DOM/1; CRPD/C/DOM/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Dominican Republic took places at the Committee table.*

2. **Mr. Corporán Lorenzo** (Dominican Republic), introducing his country's initial report (CRPD/C/DOM/1), said that, since the submission of the report, significant progress had been made in the inclusion of persons with disabilities. The National Council on Disability (CONADIS), which he headed and which oversaw public policies relating to persons with disabilities, enjoyed strong support from the presidency of the Republic. CONADIS had seen its budgetary allocation nearly double during the past three years. Another sign of high-level political support was the establishment of centres for the inclusion of persons with disabilities, with particular emphasis on the needs of children with disabilities. The accessibility of the presidential palace had been improved and the Advisory Board on Children with Disabilities had been established, composed of representatives of government bodies, civil society organizations and international cooperation partners. A campaign to raise awareness of the rights of persons with autism had been held just a few days earlier.

3. Since the ratification of the Convention in 2009, much had been done to harmonize domestic legislation with the Convention's provisions. Nationwide consultations on regulations to implement the Organic Act on the equality of rights of persons with disabilities (Act No. 5-13) were in their final phase. Work was also being done to bring the Civil Code, the Criminal Code and the Labour Code into line with the Convention.

4. The 2010 census and a household survey conducted in 2013 had included a number of questions on persons with disabilities, providing a basis for future public policy and investment in that field. The survey had revealed widespread negative perceptions of persons with disabilities; as a result, steps would be taken to change attitudes and combat a culture of exclusion that dissuaded many families from registering relatives with disabilities with the authorities.

5. The Government was working with the private sector to promote accessible tourism, combat illiteracy among persons with disabilities, and provide vocational training for such persons. A programme entitled "Coming Out of Hiding" (Saliendo del Escondite) had been launched to encourage persons with disabilities to participate in cultural activities and sports. The Government made every effort to convey the message that, if persons with disabilities were placed at the centre of decision-making that affected them, they could be a source of inspiration and make a valuable contribution to society.

6. **Ms. Quan-Chang** (Country Rapporteur) asked what steps the State party intended to take to eliminate from the Civil Code any legal regimes under which persons with disabilities were partially or fully denied legal personality. She asked how the State party intended to ensure that persons with disabilities could freely take decisions and receive the assistance they required to express their preferences and wishes in line with article 12 of the Convention, on equal recognition before the law, and with the Committee's general comment No. 1 (2014) on that article.

7. It was essential to establish legal definitions of discrimination based on disability and of multiple and intersectional discrimination. She urged the State party to draw up regulations governing reasonable accommodation in a number of fields, including

employment, education and access to justice. She asked how many sentences had been handed down for discrimination against persons with disabilities. She enquired what had been done to ensure that persons with disabilities could work as legal professionals and to provide relevant training for police, investigative and judicial officials. She asked what steps had been taken in the tourism sector to improve access to transport, tourist sites, and information and communication. Were there plans to make all hospitals, libraries, educational establishments and voting centres fully accessible to persons with disabilities?

8. She asked when the State party intended to grant Dominican sign language official status and to become a party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. She requested additional information on measures taken to improve access to health services, particularly sexual and reproductive health services. She asked how irregular migrants with disabilities, particularly those of Haitian origin, were ensured access to health care, rehabilitation and other disability-related services. She enquired what services the State party intended to develop for persons with disabilities in rural areas. She asked whether the State party had investigated the trafficking and exploitation of women and children with disabilities and whether a strategy had been developed for the deinstitutionalization of children with disabilities living in the Angels' Home and adults with disabilities in other institutions, such as psychiatric hospitals.

9. The fact that no regulations to implement Act No. 5-13 had yet been adopted meant that the Act could only be applied in a limited manner. Consequently, she would appreciate more information on the situation of persons with disabilities seeking decent work. She asked how such persons were included in poverty reduction plans, programmes and strategies, particularly in the light of related costs such as those for medication and specialized equipment. She asked what measures the State party had taken to set up an independent body responsible for overseeing the Convention's implementation and to involve organizations of persons with disabilities in the running of that body.

Articles 1–10

10. **Ms. Kingston** asked how the concept of disability was reflected in domestic legislation and how the State party intended to harmonize the definitions of disability in its legislation. She requested information on the extent to which persons with disabilities were involved in the development, application and assessment of legislation and policies on the implementation of the Convention. She asked whether persons thus involved reflected the diversity of persons with disabilities in the Dominican Republic, including, for example, representative numbers of members of ethnic minorities and persons from rural areas.

11. The lack of information and statistics on cases of discrimination on the grounds of disability and the lack of effective complaint mechanisms relating to accessibility were causes for concern. Furthermore, the concept of reasonable accommodation as included in domestic legislation seemed ambiguous and was not cross-cutting.

12. She asked for information on the accessibility of gender violence units and shelters to women and girls with disabilities. She enquired how the State party promoted decision-making by women with disabilities and how it intended to make more use of public media to promote positive images of persons with disabilities. She asked what steps were taken to fund and support awareness-raising relating to disabilities.

13. **Mr. Tatić** asked for information on the mandate of CONADIS and whether all laws and policies concerning the rights of persons with disabilities were reviewed by that body prior to adoption. He said that the Committee had been informed of cases in which blind persons had been denied access to banking services in the State party. He asked what the State party was doing to eliminate such breaches of the Convention. He stressed the

importance of mechanisms for monitoring the implementation of disability standards and of sanctions in cases of non-compliance.

14. **Ms. Degener** asked whether there were any plans to legally define denial of reasonable accommodation as a form of discrimination and whether domestic legislation contained any provisions on intersectional discrimination. She asked whether women with disabilities were included in the National Plan for Gender Equality and Equity for the period 2007–2017 and, if so, whether a distinction was made between measures for their development, advancement and empowerment. She wondered whether any measures had been taken to ensure that children with disabilities could make their voices heard on matters relating to their lives. She asked whether steps had been taken to raise awareness of the human rights model of disability through the media.

15. **Mr. Ruskus** asked what measures the Government was taking to combat discrimination and cultural prejudice and promote access to social services, health care and education for immigrants with disabilities and persons with disabilities deprived of Dominican citizenship.

16. **Mr. Basharu** asked whether the State party would be willing to bring all domestic legislation into line with the Convention in order to address shortcomings in the use of disability-related terminology. Regarding the issue of wheelchair users lacking access to banking services, he wished to know whether the State party intended to eliminate such discriminatory practices. He asked how effective the campaigns carried out by the State party to raise awareness of the Convention among the general public and in government circles had been.

17. **Mr. Langvad** asked what measures or indicators had been developed to gauge the implementation of the Convention and whether any steps had been taken to amend domestic legislation in order to make reasonable accommodation a reality in all fields. He asked how organizations of persons with disabilities had been involved in setting development priorities, how ratification of the Convention had altered the kind of support provided to such organizations and what new priorities had been set since the ratification of the Convention.

18. **Ms. Peláez Narváez** requested clarification concerning the percentage of the Dominican population with disabilities. She asked why the National Plan for Gender Equality and Equity for the period 2007–2017 did not include specific measures for women and girls with disabilities and whether the State party planned to rectify that situation. She wished to know whether organizations representing women and girls with disabilities participated in the official follow-up mechanisms for policies promoting gender equality.

19. She was concerned at the lack of professionals trained to take a human rights approach to children with disabilities, especially in areas such as education and health. She asked how the State party planned to ensure that the staff of the National Council for Children and Adolescents could assist children and adolescents with disabilities, and whether the Council included organizations representing children and adolescents with disabilities. She asked what protection mechanisms for children with disabilities were provided for in the Code for the System of Protection and the Fundamental Rights of Children and Adolescents (Act No. 136-03) and Act No. 24-97 on domestic violence, in particular to prohibit the exploitation of children with disabilities for the purposes of begging. She requested information about the types of protection afforded to children with disabilities by the National Directorate of Victim Support and the Office of the Special Prosecutor on Trafficking and Smuggling in Persons, which were under the authority of the Attorney General's Office.

20. **Mr. Parra Dussan** asked what sanctions the Government planned to prescribe for the offence of discrimination on the grounds of disability. He asked whether any study had

been conducted of the potential positive impact on tourism revenue of providing fully accessible tourism services, given the large number of persons with disabilities who might be attracted by such services.

21. **Mr. Lovászy** asked how the State party intended to respond to the deaf community's request for the legal recognition of Dominican sign language. He asked what services had been established or were being considered to provide sign language interpretation, particularly in the fields of education and employment, and what training opportunities were available to sign language interpreters.

22. **Mr. Al-Tarawneh**, recalling that the post-2015 development agenda was currently being drafted, asked what measures the State party was taking to mainstream disability into its national development goals. Aside from the steps it had taken to ensure access by persons with disabilities to the presidential residence, did the State party have a more comprehensive national action plan for improving the accessibility of buildings?

23. **Ms. Quan-Chang** requested clarification of the state of completion of the implementing regulations for Act No. 5-13 and asked how the State party planned to involve organizations of persons with disabilities more closely in their formulation. She wished to know how the State party planned to include such organizations in consultations concerning the preliminary bill on the National Development Strategy and those concerning public policy in general.

24. **The Chairperson**, speaking in her personal capacity, asked to what extent interministerial activities included persons with disabilities who belonged to indigenous communities or were of African descent. She wondered whether those minority groups, as well as persons of Haitian origin, were consulted with regard to the formulation of the National Development Strategy.

25. She had received information to the effect that experimental treatments involving a "miracle mineral solution" and stem-cell therapies for autism were being advertised in the Dominican Republic to parents of children with autism. Given that those treatments could be harmful and even life-threatening, she asked what measures the State party was taking to control their use.

The meeting was suspended at 4.05 p.m. and resumed at 4.30 p.m.

26. **Mr. Corporán Lorenzo** (Dominican Republic) said that CONADIS had endorsed the official recognition of sign language in the preliminary bill on sign language and Braille that had been submitted to the Senate. The work of CONADIS on proposals for amendments to the Civil Code, the Labour Code and the Ground Transit and Transport Act had been formulated in accordance with the Convention and Act No. 5-13. Article 147 of the latter provided that all discriminatory terms used in official documents to refer to persons with disabilities were to be eliminated and that the term to be used henceforth was "persons with disabilities".

27. A major achievement of Dominican civil society was the fact that there were currently two disability advisers to the House of Representatives, both of whom were persons with disabilities. That meant that civil society was now better placed to influence Congress directly, and it showed that efforts to implement the Convention also strengthened civil society in the Dominican Republic.

28. Article 58 of the Constitution, which embodied the main objectives of the Convention, stipulated that the State was to promote, protect and ensure the enjoyment by persons with disabilities of all their human rights and fundamental freedoms on an equal basis with others, and that it was to adopt the necessary positive measures to promote their integration within the family, the community and the workplace, as well as within the social, cultural and political life of the country.

29. Consultations held as part of the process of harmonizing national legislation with the Convention had revealed widespread ignorance of the rights of persons with disabilities throughout the country. That was attributable to a lack of broad campaigns to promote knowledge of the Convention and of the State's obligations. Proposed implementing regulations were currently the focus of consultations with the government institutions that would be responsible for their cross-cutting implementation.

30. CONADIS was working with the banking supervisory authority to establish a general policy of access to the banking system for persons with disabilities. The policy would be included in a revised version of the customers' manual. CONADIS was also working on a similar plan for the People's Association of Savings and Loans Institutions. In carrying out those efforts, CONADIS had received valuable input from civil society organizations, especially the National Association of Deaf Persons, which represented some 150,000 persons in the Dominican Republic. They, along with other categories of persons with disabilities, represented a largely untapped market segment for financial institutions.

31. CONADIS was working with the Dominican Federation of Municipalities to increase awareness of the rights of children and adolescents with disabilities among local authorities and foster a municipal culture of inclusion.

32. It was also working with the media to raise awareness of the various issues related to persons with disabilities. Under a cooperation agreement with CONADIS, the State broadcasting agency produced a weekly television programme dedicated exclusively to disability issues, with topics such as inclusiveness in communications, employment and education; appropriate terminology to describe persons with disabilities and issues concerning them; the rights of persons with disabilities; Act No. 5-13 and its implementing regulations; and profiles of persons with disabilities who were considered role models. Progress had been made in securing sign language interpretation for official broadcasts.

33. CONADIS had drafted a booklet, available in Spanish and English, about appropriate terminology for referring to persons with disabilities. The Ministry of Education had produced a version of the booklet for teaching in primary schools, and CONADIS had presented it at regional meetings, where it had been well received, and hoped to see a regional awareness campaign built around its contents.

34. The Dominican Republic had a universal health-care system. A community-based rehabilitation programme had been launched in border areas, and a humanitarian corridor had been established for victims of the Haitian earthquake.

35. In keeping with the State's obligation to strengthen organizations of persons with disabilities, CONADIS had held consultations to gather information and was currently providing capacity-building, technical assistance and project support. It had calculated parity indicators for persons with and without disabilities in the areas of education, health, employment, civil registration and social security coverage. It had also provided support to organizations of persons with disabilities through meetings organized in conjunction with the Ministry of Culture. Organizations were offered assistance in formulating grant proposals for projects; to date, at least a half-dozen projects had been approved, and it was hoped that some might attract assistance from international donors. In conjunction with the Office of the President, CONADIS was working to develop social networks of persons with disabilities.

36. The fact that sections on disability had been included in the 2010 census and the 2013 national household survey was a considerable achievement and a cause for optimism. The collection of such data on persons with disabilities would necessarily support efforts on their behalf.

37. A major conference on accessible tourism, involving participants from Latin America and the Caribbean and other parts of the world, would take place in Santo Domingo from 22 to 24 July 2015. The support of Committee members and experts on accessible tourism in ensuring the success of the event would be welcomed. The aim of the event was to demonstrate to the private sector that accessible tourism for persons with disabilities and older persons was a promising market niche. The Government was convinced of the potential value of accessible tourism for the country's development and believed that focusing on accessible tourism would also promote accessibility in related areas, such as transport, communication and technology. It would also enable greater inclusion of persons with disabilities in the labour market. CONADIS was working with the national hotel association and small businesses to provide industry workers with technical guidance and training on accessibility and on decent treatment of persons with disabilities. CONADIS was a member of the national panel for the certification of the country's beaches, as physical accessibility was one of the criteria for such certification. There were currently 21 certified beaches in the Dominican Republic, and efforts were under way to increase that number. The issue of accessible tourism was also addressed as part of international cooperation.

38. Reasonable accommodation was an extremely important factor for inclusion and an indicator of the State party's commitment to inclusion. The public education system presented major challenges in that regard. For example, in developing literacy programmes, it had been necessary to prepare special materials for deaf and blind persons. Progress was being made in terms of sign language, although there was still much room for improvement in the justice and health sectors, and cooperation was under way with the World Association of Sign Language Interpreters with a view to the certification of Dominican sign language interpreters. There were many examples of reasonable accommodation in employment. One NGO focused on the inclusion of persons with intellectual disabilities in the labour market, and one State-run company, for example, had 50 employees with disabilities in a variety of positions.

39. The National Development Strategy took account of the Millennium Development Goals relating to the rights of persons with disabilities, and relevant indicators were being prepared. It was hoped that the conference in July 2015 would set the standard for the approach to disability in the post-2015 development agenda. His Government's goal was to ensure that all persons in the country enjoyed equal rights and had an equal chance at happiness.

Articles 11–20

40. **Ms. Kingston**, referring to the State party's National Emergency Plan, asked what measures were in place to ensure the protection of persons with disabilities, including deaf persons, in the event of a disaster or other emergency. She asked the delegation to comment on reports that emergency response personnel were not adequately trained to assist persons with disabilities. She would welcome more information on the State party's plans to bring its legislation into line with the Committee's general comment No. 1. She asked how the Government intended to facilitate access to registration and documentation by persons with disabilities. She requested further information on support mechanisms to enable persons with psychosocial disabilities to live and participate in the community and on how the situation of persons with such disabilities was addressed in policymaking.

41. **Mr. Tatić** asked whether any training was provided to the judiciary and to law students on the Convention and Act. No. 5-13.

42. **Mr. Langvad** asked what steps were being taken to give persons with all kinds of disabilities the opportunity to live independently in their local communities. He wished to know more about the perception and understanding of independent living in the Dominican

Republic. He wondered what specific measures were taken to ensure that there would be no forced sterilization of children or adults with disabilities. Were there any specific campaigns addressing the sterilization of persons with disabilities?

43. **Mr. Buntan** asked what measures were taken to provide information in accessible formats to persons with disabilities, especially deaf, deaf-blind and blind persons and persons with intellectual disabilities, in case of emergency. He wondered whether the Government had any policies or positive measures to promote the role of persons with disabilities themselves in improving the accessibility of the justice system – for example, by helping them to advance in legal professions and serve on juries. Was any reasonable accommodation made for persons with disabilities in such positions? He enquired what policies were in place to ensure that refugees and other immigrants with disabilities, including those from Haiti, were able to access the necessary services.

44. **Mr. Kim** Hyung Shik, expressing concern at the fact that the State party had not dealt with the provisions of article 19 of the Convention, on independent living, asked whether there were any plans to focus on deinstitutionalization. He requested information on the institutional population in terms of types of disability, gender and age structure.

45. **Mr. Parra Dussan** asked how access to justice could be guaranteed for persons with disabilities if free sign language interpretation services were not available for deaf persons. Noting that many Dominicans lived abroad, he enquired how the Government guaranteed that persons with disabilities could live comfortably in the Dominican Republic rather than being forced to emigrate.

46. **Ms. Peláez Narváez** said that she would welcome replies to the concerns she had raised earlier. She asked how the Department of Families, Children, Young People and Gender of the Supreme Court supported and protected women and girls with disabilities in their efforts to access justice, including by assisting them with legal costs. She wondered what effective remedies were available for women and girls with disabilities who had suffered violence. She asked what steps the State party had taken in response to the various concerns about the situation of women and girls with disabilities expressed by the Committee on the Elimination of All Forms of Discrimination against Women in 2013 in its concluding observations on the combined sixth and seventh periodic reports of the State party (CEDAW/C/DOM/CO/6-7). She would welcome information on how women and girls with disabilities were protected from sexual abuse and domestic violence.

47. **Ms. Degener** asked what provisions were in place to protect children with disabilities, including in particular children with autism, from scientific and medical experimentation, such as stem-cell procedures and the "miracle mineral solution". She would welcome an update on action taken to protect persons with disabilities, especially women, from violence, exploitation and abuse, and wondered whether there had been any follow-up to the study by the Women with Disabilities Circle (CIMUDIS) on access to sexual and reproductive health services.

48. **Ms. Quan-Chang** asked how the State party protected women with disabilities from being subjected to sterilization without their informed consent. Noting that the Committee had received confidential reports that psychiatric institutions administered treatments such as electroshock therapy, which the Committee considered a form of torture, she asked what the State party was doing to prohibit such obsolete treatments and whether an independent authority supervised psychiatric institutions to ensure that they did not administer treatment amounting to torture. She was concerned that many children with disabilities of Haitian origin were not eligible for services for persons with disabilities in the Dominican Republic. She enquired what the State party was doing to comply with the recommendations on services for children with disabilities contained in the concluding observations by the

Committee on the Rights of the Child on the combined third to fifth periodic reports of the State party (CRC/C/DOM/CO/3-5).

49. **The Chairperson**, speaking in her personal capacity, asked whether the State party had any statistics on persons with disabilities under guardianship regimes, and what measures had been adopted to restore their legal capacity. She enquired whether the criterion of being a danger to oneself or others was used to justify the involuntary institutionalization of persons with disabilities. She asked what measures the courts took in response to declarations that persons implicated in a crime had a psychosocial disability, and whether reasonable accommodations and adequate health and rehabilitation services were provided for prisoners with disabilities. She would welcome information on what measures were being taken to halt trafficking in persons with disabilities for the purposes of participating in begging rings, and what support was available for the reintegration of victims of such trafficking into society.

The meeting rose at 5.55 p.m.